

DOCKET

04-AFC-1

DATE SEP 26 2006

RECD. SEP 26 2006

**BEFORE THE
STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

Application for Certification
For the San Francisco
Electric Reliability Project

Docket No. 04-AFC-1

Intervener CALifornians for Renewable Energy, Inc. (CARE) respectfully demands that the California Energy Commission (CEC) cure or correct actions alleged to have been taken in violation of California Government Code §§11120 et seq. in that the Commission failed to provide Intervener proper notice that the Energy Commission will conduct a hearing on the PMPD at a special business meeting held on Tuesday, October 3, 2006, in that the Commission failed to place its Notice on Internet site where notices required by this article are made available, http://www.energy.ca.gov/business_meetings/index.html.

The Commissions failure to provide proper notice to Intervener and other members of the public violated the Bagley-Keene Open Meeting Act California Codes Government Code §§11120 et seq. which requires 10 days advanced notice be provided on the internet. § 11125(a) of which provides:

The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available."

INTERVENER alleges there is evidence of a substantial violation of a central provision of the Bagley-Keene Open Meeting Act, to provide the public proper notice. This internet notice failed to Comply with two provisions of § 11125 (a) of the Act.

- ◆ Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting.
- ◆ The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

Demand to Correct or Cure Violations

This acts as notice to call to your attention what Intervener alleges was a substantial violation of central provisions of the Bagley-Keene Open Meeting Act to provide 10 days advanced notice of the PMPD to be voted on at the October 3rd Special Business meeting. **The cure Intervener seeks is the notice by said Commission of said meeting with proper 10 days notice**, listed on the Commission's website where "Agendas are usually available from this page about 10 business days before the date of the meeting" in accordance with the Act, to provide Intervener an opportunity to exercise our constitutionally protected due process and equal protection rights, and the public an opportunity for meaningful and informed public participation in accordance with the First Amendment constitutional rights enjoyed by citizens of the United States.

Respectfully submitted,



Lynne Brown –Vice President, CARE
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, CA 94124
E-mail: l_brown369@yahoo.com



Michael E. Boyd – President, CARE
5439 Soquel Dr., Soquel, CA 95073-2659
Tel: (408) 891-9677
Fax: (831) 465-8491
E-mail: michaelboyd@sbcglobal.net

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of September 2006, at Soquel, California.

A handwritten signature in black ink that reads "Michael E. Boyd". The signature is written in a cursive style with a stylized "B" and "D".

Michael E. Boyd – President, CARE
CALifornians for Renewable Energy, Inc. (CARE)
5439 Soquel Dr.
Soquel, CA 95073-2659
Tel: (408) 891-9677
Fax: (831) 465-8491
E-mail: michaelboyd@sbcglobal.net